

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	MATTHEW F. KENNELLY	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 2294	DATE	May 1, 2008
CASE TITLE	United States ex rel. Tyrese Fife (#K-69994) vs. Warden Lee Ryker		

DOCKET ENTRY TEXT:

Petitioner is granted twenty-one days in which either to pay the \$5.00 filing fee or file a petition for leave to proceed *in forma pauperis*. If Petitioner fails to comply within twenty-one days of the date of this order, the Court will summarily dismiss this action. The Clerk is directed to: (1) send Petitioner an application to proceed *in forma pauperis*; (2) mail a copy of the habeas petition to the Chief, Criminal Appeals Division, Attorney General's Office, 100 West Randolph Street, 12th Floor, Chicago, Illinois 60601; and (3) add Lee Ryker, the Warden of the Lawrence Correctional Center, as Respondent. Petitioner is advised that he must provide the Court with the original plus a judge's copy of every document filed.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

Tyrese Fife, a state prisoner, has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges his 1998 murder conviction on the grounds that: (1) his defense attorney provided ineffective assistance; and (2) the prosecution failed to disclose material evidence, namely, a highly probative psychological evaluation of Petitioner, a minor at the time.

Although the Clerk has accepted this *pro se* petition for a writ of habeas corpus for docketing pursuant to Rule 5(e) of the Federal Rules of Civil Procedure, Petitioner has neither paid the \$5.00 filing fee nor filed a petition for leave to proceed *in forma pauperis*. If Petitioner wishes to proceed with this action, he must either pay the \$5.00 filing fee or, in the alternative, file an *in forma pauperis* application complete with a certificate from a prison official stating the amount on deposit in the prisoner's trust account. The Clerk is directed to send Petitioner an *in forma pauperis* application. If Petitioner fails either to pay the filing fee or file a fully completed application to proceed without prepayment of costs and fees within twenty-one days, the Court will summarily dismiss this action.

In addition, the Clerk is directed to add Lawrence Correctional Center Warden Lee Ryker as Respondent. Although the habeas petition is blank, the proper Respondent in a Section 2254 petition challenging a state prisoner's confinement is the warden of the facility where he is confined. *See, e.g., Hogan v. Hanks*, 97 F.3d 189, 190 (7th Cir. 1996).

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